

November 18, 2022

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

***Re: HC2, Inc. v. Gregory Messer
Civil Action No. 20-cv-03178-LJL***

Dear Judge Liman:

HC2, Inc. and Gregory Messer, by their undersigned counsel, respectfully submit this joint status letter as directed by the Court's May 19, 2022 order (ECF No. 169). The Court directed the parties to report on the status of the bankruptcy matter, the automatic stay, and whether the stay of this action may be lifted, and, if so, how this matter is to proceed.

Mr. Delaney's bankruptcy case in 1-20-44372-jmm continues and the automatic stay remains in effect. The Bankruptcy Court has not issued Mr. Delaney a discharge yet. Mr. Delaney has filed four appeals of Bankruptcy Court orders, and such appeals are currently pending with the District Court. Accordingly, Mr. Messer now anticipates the bankruptcy case will remain open at least another 6-12 months, pending resolution of various appeals filed the Debtor, and the administration of the bankruptcy case.

We thank the Court for its time and attention to this matter.

LAMONICA HERBST &
MANISCALCO, LLP

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: /s/ Gary F. Herbst
Gary F. Herbst, Esq.
Cristina Lipan, Esq.
LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
gfh@lhmlawfirm.com
cl@lhmlawfirm.com
(516) 826-6500
Attorneys for Gregory Messer

By: /s/ Michael Nacchio
Michael Nacchio
10 Madison Avenue, Suite 400
Morristown, NJ 07960
(973) 656-1600
michael.nacchio@ogletree.com
Attorneys for HC2, Inc.